

such as ventilation, blasting, roof control, and training require continual review (Tr. 154-156). If it is believed that a violation exists it is normal procedure for the local union committee or the international representatives to have the conditions checked out. From time to time the UMWA representatives travel with the MSHA inspectors to determine the existence or seriousness of the condition (Tr. 156-157).

The historical application of § 103(f) is to provide an ability for the representatives of miners to assist MSHA to carry out its function to protect miners' lives. (Tr. 157). Those representatives of miners who are also employees of the operator, are subject to a certain amount of control by the operator (Tr. 157). Such controls may inhibit the miners from expressing whatever views they may have. However, confidentiality is provided for a complaining witness. In addition, there are extensive provisions <sup>11/</sup> to protect miners against discrimination. But some miners are reluctant to rely on this protection (Tr. 168, 169).

In addition, the local miners are not trained for analyzing problems (Tr. 158). The members of UMWA's staff are trained experts participating in various functions on a national scale. If the staff was strictly restricted to the provisions of the contract to gain access it would interfere with UMWA's ability to protect the miners (Tr. 159).

At times access to the mine is gained through the labor contract and at times under § 103(f) (Tr. 159). The witness described some circumstances of entries under § 103(f) (Tr. 160, 161). In some instances committeemen have been afraid to call in the international so the UMWA has bypassed the contractual provisions and entered under a § 103(f) inspection (Tr. 161). The international uses different types of approaches, such as checking abatement dates, etc., to find out when the MSHA inspector will arrive at a mine site (Tr. 161). Witness Main was not aware that any mine operators required the international representatives to sign waivers to gain access to the mine (Tr. 162). The only occasion known to the witness where an operator questioned a Part 40 filing was evolved in the Consolidation Coal Company case (cited, *infra*).

Main assigned Rabbitt and several other representatives to the Wilberg mine (Tr. 163). The representatives are charged with coordinating the investigation.

Among other duties the international representatives also inspect Emery's mines based on complaints they receive. In addition, they have helped recover the victims of the Wilberg disaster (Tr. 163).

<sup>11/</sup> section 105(c), the discrimination section of the Mine Safety Act.